IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 628 of 2005

Between:

The D.C.T. Cooperative Society Regd No. 575/1927

Mandadam, rep by Member & Ex-President
Gaddam Koteswara Rao S/o Peda Kondaiah R/o Mandadam

(Village), Thulluru (Mandalm) Guntur District

... PETITIONER

AND

1 Government of Andhra Pradesh, rep by Chief Secretary,

Revenue Department, Secretariat, Hyderabad
2 The District Collector, Guntur District
3 The Mandal Revenue Officer, Thullur Mandalam. Guntur District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandmaus declaring the action of the respondents in proposing to grant pattas in favour some unconcerned persons in respect of the lanka lands to the extent of Acs. 200-00 situated in D.No. 1/1, Mandadam Village, Venkayapalem Village and Tallayyapalem Village, in Thulluru Mandalam, Guntur District under Indira Prabha Scheme without considering the application of the petitioner's society for granting of the pattas as illegal, arbitrary and against to the principles of the natural justice and consequently directing the respondents to grant pattas to the members of the petitioner's society.

Counsel for the Petitioner: MR.B.SRINIVASA ADITYA DUTT

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in proposing to grant pattas in favour of some unconcerned persons in respect of the lanka lands to the extent of Acs.200-00 situated in D.No.1/1, Mandadam village, Venkayapalem village and Tallayyapalem Village, Thulluru Mandalaam, Guntur District as arbitrary and illegal.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents.

3. It is the case of the petitioner society that its members are cultivating the land in Acs. 200-00 situated in D.No. 1/1, Mandadam Village, Venkayapalem Village and Tallayyapalem Village, in Thulluru Mandalam, Guntur District and have been in long possession of the said land. It is stated that in the year 1994, the third respondent MRO, Thulluru wrote to the Executive Engineer, KC Division seeking for permission to grant pattas to the petitioner society, who in turn granted conditional permission to assign the land in question, but the third respondent did not consider the request of the petitioners to grant pattas. It is now stated that the Government is trying to grant pattas to landless poor and directed the District Collectors to inquire into the vacant lands. It is further stated that local leaders are trying to include the benami names showing them as landless poor, excluding the members of the petitioner society.

4. This writ petition is filed on a mere presumption that the respondents are going to allot pattas to ineligible persons. It is too early for this Court to presume that respondents are going to grant pattas to ineligible persons. I see no cause of action to entertain the writ petition. If respondents allot pattas to ineligible persons, petitioner is at liberty to challenge the same.

The writ petition is devoid of merit and is accordingly dismissed. No order as to costs.

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N.V. RAMANA, J

January 25, 2005

MRR/NSR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

COPY TO:

1 The Chief Secretary, Government of Andhra Pradesh,

Revenue Department, Secretariat, Hyderabad
2 The District Collector, Guntur District
3 The Mandal Revenue Officer, Thullur Mandalam. Guntur District

4 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

5 Two C.D. Copies.